

Joseph A. Manzo, Esq.

Attorney At Law
www.attynj.com
jamanzoesq@gmail.com

Member of the NJ, NY and FL Bars

PO Box 72
Rockaway, New Jersey 07866
Ph. (973) 794-1179
Fax (973) 794-0090

July 7, 2010

VIA ECF

Hon. Douglas E. Arpert
U.S. Magistrate Judge
Clarkson S. Fisher U.S. Courthouse
Trenton, New Jersey 08608

Re: *Charles Novins v. Kevin A. Cannon et al.*
Docket No. 09-CV-5354

Dear Judge Arpert:

The counterclaim filed by Carl R. Osterwald and Yvonne S. Osterwald on April 27, 2009 against Charles Novins, an individual, specifies twenty-three paragraphs of Facts Common to all counterclaims. Additionally, it specifies two counts for relief – Count One - Defamation, and Count Two - Invasion of Privacy-False Light. (Exhibit A).

Mr. Novins' answer, to Count One and Count Two simply states "Denied." (Exhibit B).

Mr. Novins' single-line blanket denials of Counts One and Two violated the N. J. Court Rules as they failed to separately address each of the 23 paragraphs of preceding facts as required by N.J. Rule 4:5-3. and violate F. R. Civ. P. 8(b). Under N.J. Rule 4:5-5, and F. R. Civ. P. 8 (d), Mr. Novins' failure to deny each paragraph is deemed an admission of each factual paragraph.

If Mr. Novins claims that by his blanket denial he intended to controvert all the averments of the pleading, then he thereby denies: Fact #1 – Carl Osterwald is the counterclaimant, Fact #4 – Mr. Novins is a New Jersey lawyer; Fact #8 – the court has jurisdiction; and Facts #'s 9-10 – the basic history of the Usenet. Clearly, such an explanation would be nonsensical.

On behalf of Carl R. Osterwald and Yvonne S. Osterwald, I respectfully ask that the Court declare that Mr. Novins' failure to answer paragraphs 1 through 23, despite his blanket denial of Counts One and Two of the Counterclaim, be deemed an admission of each and every paragraph (numbers 1 through 23), as provided for in F. R. Civ. P. 8(d).

Respectfully Submitted,



Joseph A. Manzo